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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 LARRY GIRALDES, JR., NO. CIV. S-01-2110 LKK/EFB
12 Plaintiff,
13 v. O R D E R
14 T. PREBULA, et al.,
15 Defendants.

17 On October 14, 2012, this court issued an order dismissing
18 Plaintiff's suit without prejudice, based on the Ninth Circuit's
19 holding in Vaden v. Summerhill, 449 F.3d 1047 (9th Cir. 2006).¹
20 Order, ECF No. 209. Plaintiff was given thirty days from the
21 issuance of the court's order to file a second amended complaint.
22 Id. Plaintiff has not yet filed a second amended complaint.

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¹ The court determined that the holding in Vaden indicated that Plaintiff had brought this action on November 16, 2001, when he filed his original complaint, and therefore, before the Director's Level denials on Plaintiff's grievances were issued.

The court is in receipt of counsel for Plaintiff's request for authority to incur \$8,300.00 in costs for fees for Dr. Ralph E. Koldinger. Because Plaintiff has not yet filed a second amended complaint, and Plaintiff's case has been dismissed, counsel for Plaintiff's request for pre-approval of expenditures is premature. Counsel's request is therefore DENIED, without prejudice to renew following Plaintiff's filing of a second amended complaint.

The Clerks' Office is directed to file Plaintiff's request for authority to incur costs on the docket.

10 IT IS SO ORDERED.

11 DATED: November 1, 2012.

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14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
UNITED STATES DISTRICT COURT